REMARKS/ARGUMENTS

The present Amendment is in response to the Final Office Action having a mailing date of April 4, 2006. Claims 1-39 are pending in the present Application. Applicant has amended claims 1, 13, and 25. Consequently, claims 1-39 remain pending in the present Application.

Applicant has amended claim 1 to correct a minor error. This amendment is seen by Applicant as broadening or cosmetic, and as such, is not subject to the prosecution history estoppel imposed by Festo. For the record, Applicant points out that the Supreme Court in Festo noted that a cosmetic amendment would not narrow the patent's scope and thus would not raise the estoppel bar. Applicant has also amended claims 1, 13, and 25 to recite that the aspect(s) of the applications are automatically monitored. Support for the amendment can be found in the specification, page 6, line 12-page 7, line 15. Accordingly, Applicant respectfully submits that no new matter is added. Furthermore, as Applicant has previously argued that the removal of applications is automatic, Applicant respectfully submits that no new search is required.

This application is under Final Rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the Amendment to clarify issues upon appeal.

In the above-identified Office Action, the Examiner rejected claims 1-36 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,794,052 (Harding). In so doing, the Examiner cited col. 4, lines 19-20 for automatically monitoring startup applications, col. 4, line 31-33 and 51 as analyzing aspect(s) of the startup applications against certain criteria, and col. 14,lines 29-33 and Fig. 3, step 590 as automatically removing the startup applications from the startup sequence.

Applicant respectfully traverses the Examiners rejection. As discussed previously, claim 1 recites a method for controlling a startup sequence in a computer system that includes automatically monitoring at least one aspect of a plurality of startup applications launched during the startup sequence. Claim 1 further includes automatically analyzing the monitored aspect(s) of the startup applications to based on at least one criteria. The criteria indicate whether a portion of the plurality of startup applications is extraneous at startup. The method recited in claim 1 also includes automatically removing from the startup sequence at least one of the portion of the plurality of startup applications that are extraneous. Claims 13 and 25 recite analogous computer-readable medium and an analogous computer system.

Thus, using the method, computer-readable medium and computer system, extraneous startup applications may be removed. Such applications might include, but are not limited to those which terminate early, crash, are unused, use unavailable hardware, or spyware. Specification, page 7, line 18-page 8, line 20. Consequently, performance of the computer system may be improved.

Harding, in contrast, is focused on allowing a user to select a particular language for use in conjunction with the computer system. Harding, Abstract. In particular, the cited portion of column 4, as well as column 4 in general, describes a modular approach to loading software on a computer system. However, Applicant has found no mention in col. 4 of automatically monitoring aspect(s) of multiple startup applications and no mention of automatically analyzing these startup applications with respect to certain criteria, and then automatically removing some portion of these startup applications. Instead, Harding describes a system which **requires** user input in order remove applications. Thus, Harding indicates that a user selects a language,

installing the files necessary for the user selected language, and then removing files related to non-selected languages. Harding, col. 7, lines 8-65.

Harding describes a method for removing applications based upon a user selection. In particular, column 14 of Harding specifically describes states that the modules relating to "non-selected" languages are removed. Harding, col. 14, lines 29-33. More specifically, Harding states that a Universal Language Master (ULM) program is loaded onto the computer system. Harding, col. 6, lines 9-15. In addition, modules for every language supported are also loaded. Harding, col. 6, lines 16-24. The ULM program prompts the user to select a language. Harding, col. 6, lines 38-41. Only those files which are specific to the language selected by the user are kept, while the remaining files related to non-selected languages are removed. Harding, col. 6, lines 61-64.

Thus, although Harding discloses removing some files, Harding does so in response to a user's input. Harding does not automatically monitor aspect(s) of multiple startup applications and automatically analyze these aspect(s) of the startup applications against specified criteria in order to determine whether the applications are extraneous. Instead, Harding simply waits for the user to make a selection, then removes modules based on the user's selection. Thus, Applicant respectfully submits that Harding does not automatically monitor startup applications, nor does Harding automatically analyze the startup applications with respect to certain criteria. Instead, Applicant respectfully submits that Harding is more similar to the described prior art, in which the user selects applications for removal. Specification, page 2, line 21-page 3, line 14 and Figure 2. Stated differently, Harding selects a particular set of applications (corresponding to a language) to retain and thus effectively selects the remaining applications (corresponding to the non-selected language) for removal. As a result, Harding fails to teach or suggest monitoring the

system, automatically analyzing its behavior and automatically removing startup applications based on the analysis. Thus, Harding fails to teach or suggest the method, computer-readable medium and system recited in independent claims 1, 13, and 25, respectively. Accordingly, Applicant respectfully submits that claims 1, 13, and 25 are allowable over the cited references.

Claims 2-12 and 14-23, and 26-36 depend upon independent claims 1, 13, and 25, respectively. Consequently, the arguments herein apply with full force to claims 2-12 and 14-23, and 26-36. Accordingly, Applicant respectfully submits that claims 2-12 and 14-23, and 26-36 are allowable over the cited references.

Moreover, claims 3-6, 8, 15-18, 20, 21-30, and 32 are separately allowable over the cited references. Claims 3-6, 8, 15-18, 20, 21-30, and 32 cite specific criteria used in analyzing the startup applications, such as the method of termination for the application, the termination time, the crash rate, the use of an icon, and whether hardware is available. Applicant has found no mention in Harding of these specific criteria in determining whether to remove an application. Instead, as described above, Harding simply waits for the user's selection of a language and removes applications based upon the language chosen. Accordingly Applicant respectfully submits that claims 3-6, 8, 15-18, 20, 21-30, and 32 are separately allowable over the cited references.

In the above-identified Office Action, the Examiner rejected claims 37-39 under 35 U.S.C. § 103(b) as being unpatentable over Harding in view of U.S. Patent Application Publication No. 2002/0082912 (Batachia). In particular, the Examiner cited Batachia as teaching an undesirable aspect including accessing a particular Internet address.

Applicant respectfully traverses the Examiner's rejection. Claims 37-39 depend upon claims 1, 13, and 25, respectively. Consequently, the arguments herein apply with full force to

claims 1, 13, and 25. Furthermore claims 37-39 recite wherein the at least one undesirable characteristic includes accessing at least one particular Internet address.

Applicant respectfully disagrees that the cited portion of Batachia describes accessing particular Internet address(es) as being undesirable. Instead, Batachia indicates that it is the *passive nature* of the vendor's role in communications that only take place at the initiation of the customer that is undesirable. In particular, paragraph 3, lines 6-8 of Batachia state that "[f]rom a content provider's point of view, assuming a passive role where the customer's activities dictate whether its Website will be assessed is undesirable and is inefficient." A more active role that pushes data is desired. Batachia, paragraph 3, lines 9-15. Consequently, based on this teaching of Batachia, the same Internet address may be accessed, but by pushing rather than pulling data. Moreover, Applicant has found no mention in Batachia of automatically monitoring aspect(s) of multiple startup applications, automatically analyzing these aspects based on certain criteria to determine whether some portion of the applications was extraneous, and removing the extraneous applications.

Because both Harding and Batachia fail to teach or suggest automatically monitoring aspect(s) of multiple startup applications, automatically analyzing these aspects based on certain criteria to determine whether some portion of the applications was extraneous, and removing the extraneous applications, any combination of Harding and Batachia also fails to teach or suggest these features. Furthermore, Batachia fails to teach or suggest that contacting particular Internet addresses is undesirable. Consequently, any combination of Harding and Batachia fail to teach or suggest this feature. Stated differently, if the teaching of Batachia were added to the system of Harding, the combination would still remove certain language applications based upon a user's selection of the language. In addition, the combination might also allow for a more active role by

a vendor, for example by allowing certain Internet addresses to push data to the network. However, the combination would not automatically monitoring aspect(s) of multiple startup applications, automatically analyzing these aspects based on criteria including whether certain Internet addresses are accessed to determine whether some portion of the applications was extraneous, and removing the extraneous applications. Consequently, Harding in view of Batachia fail to teach or suggest the method, system, and computer-readable medium recited in claims 37-39. Accordingly, Applicant respectfully submits that claims 37-39 are allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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Date

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